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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,444	04/27/2006	Jean-Philippe Houlmont	3493-0165PUS1	3437

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EXAMINER

OLSON, ERIC

ART UNIT	PAPER NUMBER
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1623

NOTIFICATION DATE	DELIVERY MODE
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07/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Detailed Action

This action is in response to Applicant's submission July 13, 2009 After Final.

5. Applicant's amendment, submitted July 13, 2009, has been fully considered and entered into the record as it does not create any new issues for search and consideration.

The amendment is found to be persuasive to remove the rejection of claims 18, 19, 21, 23-33, and 35-41 under 35 USC 102(b) for being anticipated by Heiner et al. as the claims have been amended to require that the substituted sugar be rhamnose or fucose, while the reference is directed specifically to glucose compounds. Therefore the rejection is withdrawn.

Applicant's amendment, submitted July 13, 2009, has been fully considered and found to be persuasive to remove the rejection of claims 20 and 34 under 35 USC 103(a) for being obvious over Heiner et al. as the claims have been amended to require that the substituted sugar be rhamnose or fucose, while the reference is directed specifically to glucose compounds. Therefore the rejection is withdrawn.

10. Applicant's declaration under 35 USC 1.132 has been entered into the record. However, it has not been signed by the Declarant.

11. Applicant's arguments, submitted July 13, 2009, have been fully considered and not found to be persuasive to remove the rejections of record in the previous office

Art Unit: 1623

action. Applicant argues that base claim 35 has been amended to claim treatment of accelerated aging of skin which is caused by external attacks, as opposed to the previous claim which was directed to methods for slowing natural aging of skin subject to external attacks. This amendment is not seen to shift the scope of the claim away from the disclosure of Houlmant et al. However, it is unclear how this amendment appreciably shifts the scope of the claims. In both the previous claim and the amended claim the subject population is skin subject to external attacks. The only difference is the recitation of accelerated, as opposed to natural aging in the claim as amended. Nowhere in Applicant's specification is this term "accelerated aging" defined in such a way as to limit the subject population to a specific subset of people not covered by the disclosure of Houlmont et al. All subjects age, and various accelerate or slow aging of the skin. In the absence of a specific proviso indicating what sort of external attacks, for example photodamage, smoking, or chemical exposure, the skin is subject to, the amended claim is still seen to cover all living subjects. Therefore the rejection is maintained.

Regarding the rejection of claims 31-34 as obvious over Houlmant et al., Applicant argues that a declaration provided by Dr. Houlmant establishes that the composition used in the reference was a primary formulation that was tested only on animals having normal skin, to evaluate it for cosmetic, not antiinflammatory use. Firstly, as the declaration is not signed, the identity of the declarant is not established and the declaration will be treated as attorney argument with no weight given to its authorship. Secondly, the motivation to apply cosmetic formulations containing alkyl

Art Unit: 1623

ramnosides to sensitive, irritated, intolerant, allergic, aged, or otherwise compromised skin is based on the disclosure by Houlmant et al. that existing cosmetic and soap products contain alkyl glucosides, that these alkyl glucosides can cause skin intolerance, and that alkyl ramnosides are better tolerated. Regardless of whether the product was tested on normal or pathological skin, one of ordinary skill in the art would have recognized that aged, allergic, inflammatory, or otherwise sensitive skin would benefit from better tolerated cosmetic products and soaps. Therefore the rejection is deemed proper and maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC S. OLSON whose telephone number is (571)272-9051. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on (571)272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

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/Eric S Olson/
Examiner, Art Unit 1623
7/21/2009

/Leigh C. Maier/
Primary Examiner, Art Unit 1623